

REMARKS

Applicants propose amending claim 19 to depend on claim 18. Claims 1, 2, 4-6, 8-16 and 18-22 remain pending in this application.

Claim 19 has been objected to as being dependent on a canceled claim. Claim 19, amended as proposed, is now dependent on claim 18. Accordingly, withdrawal of the objection is respectfully requested.

Claims 1, 11, 21 and 22 have been rejected under 35 U.S.C. § 112, first paragraph as including new matter. The rejection is respectfully traversed.

Claim 1 recites a method for managing calls directed to a plurality of communications devices associated with a user, comprising receiving user-defined preferences regarding handling of calls directed to the plurality of communications devices and storing the user-defined preferences. Support for these features is given, for example, at page 29, paragraph 87 through page 31, paragraph 92). Claim 1 also recites receiving an indication that a first one of the communications devices has moved within wireless communication range of a terminal. Support for this feature is given, for example, at pages 34-35, paragraphs 100 and 101. Claim 1 further recites forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user-defined preferences. Support for this feature is given, for example, at page 33, paragraph 97 and Fig. 8. More particularly, paragraph 97 at lines 4-8 clearly discloses that a user may select box 802 (Fig. 8) to forward all calls directed to any of the user's phones to the user's office phone 602 whenever the user's Bluetooth-enabled wireless phone comes within the vicinity of user terminal 112_A. Paragraph 97 at lines 10-15 discloses that the

user may select box 806 to individually select devices for which calls are forwarded to the office phone when the Bluetooth enabled device is within the vicinity of user terminal 112_A. Therefore, this feature of claim 1, which recites forwarding calls intended for at least two of the communications device to a second one of the communications device (of the plurality of communications devices associated with a user) in response to receipt of the indication (that a first one of the communications devices has moved within wireless communication range of a terminal) is clearly supported by the original specification.

Based on the discussion above, Applicants assert that no new matter has been added by the previous amendment. Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. § 112, first paragraph is respectfully requested.

Claims 11, 21 and 22 include features similar to, but of different scope than claim 1. Each of the features of claims 11, 21 and 22 is also supported by the original specification.

Accordingly, withdrawal of the rejection of claims 11, 21 and 22 under 35 U.S.C. § 112, first paragraph is respectfully requested.

Claims 1, 11, 21 and 22 have been rejected under 35 U.S.C. § 112, second paragraph. The rejection is respectfully traversed.

As to claims 1 and 11, the Final Office Action states that it is unclear whether the feature of “forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user-defined preferences” (recited in claim 1) is referring to the same calls being forwarded from two different communication devices (Final Office Action – pages 4-5). The Final Office Action also states that it is impossible for the same call to be

forwarded from the two different communication devices to a particular communication device at exactly the same time (Final Office Action – page 5).

Claim 1 recites forwarding calls intended for at least two of the communication devices to a second one of the communication devices. Claim 1 does not recite that the “calls” are the same call. In addition, claim 1 includes no recitation indicating that the calls are forwarded at exactly the same time. Applicants assert that claim 1 clearly indicates that the calls recited in claim 1 are not the same call and that claim 1 is definite.

Claims 11, 21 and 22 include features similar to, but of different scope than claim 1. Claims 11, 21 and 22 are also believed to be definite. Accordingly, withdrawal of the rejection of claims 1, 11, 21 and 22 under 35 U.S.C. § 112, second paragraph is respectfully requested.

Claims 1, 2, 4-6, 8-16 and 18-22 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Holloway et al. (U.S. Patent Publication No. 2003/0092451; hereinafter Holloway). The rejection is respectfully traversed and Applicants request reconsideration in light of the following remarks¹.

Claim 1 recites receiving user-defined preferences regarding handling of calls directed to the plurality of communications devices and storing the user-defined preferences. Claim 1 also recites receiving an indication that a first one of the communications devices has moved within wireless communication range of a terminal and forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on

¹ As Applicants’ remarks with respect to the Examiner’s rejection are sufficient to overcome this rejection, Applicants’ silence as to assertions by the Examiner in the Final Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art) is not a concession by

the user-defined preferences. The Final Office Action states that Holloway discloses this latter feature and points to paragraph 17 and portions of Fig. 2, for support (Final Office Action – page 7). Applicants respectfully disagree.

Holloway at paragraph 17 discloses that when mobile phone 230 comes within range of transmitter 220, mobile phone 230 may receive a signal from transmitter 220 and send an overhead message to cellular system 210 requesting that calls to mobile phone 230 be forwarded to preferred phone 240. Holloway discloses similar processing with respect to preferred phone 540, which may be a phone installed in the user's automobile (Holloway – paragraph 19). That is, Holloway discloses that calls for mobile phone 230 may be passed to preferred phone 540 when mobile phone 230 is within range of transmitter 220 (Holloway – paragraph 20). Holloway, however, does not disclose or suggest forwarding calls intended for at least two communications devices to preferred phone 240/540 of Holloway in response to receipt of an indication that mobile phone 230 is within range of transmitter 220 and based on user-defined preferences, as would be required by claim 1.

Applicants further note that Holloway at paragraph 22 discloses that a single transmitter can be programmed to recognize different mobile phones associated with it and to transfer each mobile phone to a different extension. This portion of Holloway, however, clearly does not disclose or suggest forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user-defined preferences, as recited in claim

Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

1. In contrast, this portion of Holloway merely discloses transferring calls from each different mobile phone to a different extension.

For at least these reasons, Holloway does not disclose or suggest each of the features of claim 1.

The Applicants further assert that it would not have been obvious to one of ordinary skill in the art to modify Holloway to include the features discussed above. For example, Holloway is clearly directed to forwarding calls intended for a single mobile phone 230 to a preferred phone when mobile phone 230 is within range of transmitter 220. Holloway does not suggest any desire or need to forward calls intended for multiple devices to a preferred phone in response to receipt of an indication that one of the devices is within wireless range of transmitter 220. That is, Holloway is clearly directed to a simple forwarding scheme in which calls from one phone are forwarded to another phone and is not related to managing calls directed to a plurality of communications devices in the manner recited in claim 1. Therefore, it would not have been obvious to modify Holloway to include the features recited in claim 1 without the benefit of Applicants' disclosure.

Claims 2, 4-6 and 8-10 are dependent on claim 1 and are believed to be allowable for at least the reasons claim 1 is allowable.² In addition, these claims recite additional features not disclosed or suggested by Holloway.

For example, claim 4 recites receiving a second indication that the first communications device has moved outside of wireless communication range of the

² As Applicants' remarks with respect to the Examiner's rejection are sufficient to overcome this rejection, Applicants' silence as to assertions by the Examiner in the Final Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art) is not a concession by

terminal, terminating the forwarding of calls to the second communications device in response to receipt of the second indication and forwarding calls intended for at least two of the communications devices to the first communications device in response to receipt of the second indication. The Final Office Action states that Holloway discloses this feature and points to paragraph 17 for support (Final Office Action – page 17). As discussed above, Holloway discloses that when mobile phone 230 moves out of range of transmitter 220, mobile phone 230 transmits a request to remove the forwarding request (Holloway – paragraph 17). Holloway does not disclose or suggest forwarding any calls intended for other communications devices to mobile phone 230, in response to receipt of a signal indicating that mobile phone 230 is outside of wireless communication range of transmitter 220, as would be required by claim 4.

For at least this additional reason, withdrawal of the rejection and allowance of claim 4 are respectfully requested.

Claim 11, as amended, recites features similar to, but of different scope than, claim 1. For reasons similar to those discussed above with respect to claim 1, Holloway does not disclose or suggest each of the features of amended claim 11. Accordingly, withdrawal of the rejection and allowance of claim 11 are respectfully requested.

Claims 12-16 and 18-20 are dependent on claim 11 and are believed to be allowable for at least the reasons claim 11 is allowable. In addition, these claims recite additional features not disclosed or suggested by Holloway.

For example, claim 14 recites features similar to, but of different scope than, claim 4. For reasons similar to those discussed above with respect to claim 4, Holloway

Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

does not disclose or suggest each of the features of claim 14. Accordingly, withdrawal of the rejection and allowance of claim 14 are respectfully requested.

Claim 16 recites that the user defined preferences include a preference indicating that calls intended for at least the third communications device and a fourth communications device are to be forwarded to the first communications device when the first communications device is not within wireless communication range of the second communications device. The Final Office Action states that Holloway discloses this feature and points to paragraph 17 for support (Final Office Action – pages 10-11). As discussed above, Holloway at paragraph 17 discloses that when mobile phone 230 is no longer within range of transmitter 220, mobile phone 230 sends a request message to cellular system 230 to remove the forwarding request (Holloway – paragraph 17). Holloway does not disclose or suggest that calls intended for preferred phone 240 and another device are forwarded to mobile phone 230 after mobile phone 230 is outside the range of transmitter 220, as would be required by claim 16.

For at least these additional reasons, withdrawal of the rejection and allowance of claim 16 are respectfully requested.

Claim 21 recites features similar to, but of different scope than, claims 1 and 4. For reasons similar to those discussed above with respect to claims 1 and 4, Holloway does not disclose or suggest each of the features of claim 21. Accordingly, withdrawal of the rejection and allowance of claim 21 are respectfully requested.

Claim 22 recites features similar to, but of different scope than, claim 1. For reasons similar to those discussed above with respect to claim 1, Holloway does not disclose or suggest each of the features of claim 22.

Claim 22 also recites forwarding calls intended for the third communications device to the first communications device when the indication indicates that the first communications device is not within range of the second communications device. Holloway does not disclose or suggest this feature. For example, Holloway discloses that when mobile phone 230 is no longer within range of transmitter 220, mobile phone 230 sends a request message to cellular system 230 to remove the forwarding request (Holloway – paragraph 17). Holloway does not disclose or suggest that calls intended for preferred phone 240 are forwarded to mobile phone 230 after mobile phone 230 is outside the range of transmitter 220, as would be required by claim 22.

For at least the reasons discussed above, Holloway does not disclose or suggest each of the features of claim 22. Accordingly, withdrawal of the rejection and allowance of claim 22 are respectfully requested.

CONCLUSION

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered, placing the application in condition for allowance. Applicants submit that entry of this Amendment merely amends claim 19 to depend from a pending claim and to ensure proper antecedent basis. Applicants further submit that entry of this Amendment would place the application in better form for appeal in the event that the application is not allowed. If the Examiner does not believe that all pending claims are in condition for allowance, the Examiner is urged to contact the undersigned attorney to expedite prosecution of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY SNYDER, L.L.P.

By: /Glenn Snyder/
Glenn Snyder
Reg. No. 41,428

Date: August 23, 2006

11350 Random Hills Road
Suite 600
Fairfax, VA 22030
Telephone: (571) 432-0800
Facsimile: (571) 432-0808

CUSTOMER NUMBER 25537